

First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO
UNOFFICIAL PREAMENDED VERSION

Showing L.001 and L.002

LLS NO. 13-0355.02 Thomas Morris x4218

HOUSE BILL 13-1275

HOUSE SPONSORSHIP

Ginal, Fischer, Foote, Hullinghorst, Schafer, Singer

SENATE SPONSORSHIP

Aguilar,

House Committees

Health, Insurance & Environment

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE COLLECTION OF HUMAN HEALTH DATA REGARDING**
102 **OIL AND GAS OPERATIONS IN COUNTIES NEAR THE FRONT**
103 **RANGE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills/summaries>.)

Section 1 of the bill directs the state board of health in the department of public health and environment to issue a request for proposals to conduct a review of existing epidemiological data regarding the effects of oil and gas operations on human health in the counties of

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

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Larimer, Weld, Boulder, and Arapahoe and one or more control areas. The selected contractor must provide its analysis of the data in a report to the general assembly by March 15, 2014. The contractor must file interim reports with an oversight committee appointed by legislative leadership and the governor. The report must include the committee's recommendation regarding whether a follow-up study to collect and analyze new epidemiological data is warranted. **Section 2** authorizes the use of the mill levy on oil and gas production to pay for the review.

The final report or an interim report may include a finding regarding whether the division of administration in the department or the Colorado oil and gas conservation commission should enter a cease-and-desist order against continued oil and gas operations, emission of air pollutants, or the discharge of water pollutants from any specifically identified oil and gas facilities. **Section 3** directs the division to enter a cease-and-desist order against the continued emission of air pollutants from those facilities if the report finds that it should and the division agrees that it should, **section 4** requires the same for the discharge of water pollutants, and **section 5** requires the same of the commission.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** 25-1-122.3 as
3 follows:

4 **25-1-122.3. Health effects attributable to oil and gas**
5 **operations - report - definition - repeal.** (1) AS USED IN THIS SECTION,
6 "OIL AND GAS OPERATIONS" HAS THE MEANING ESTABLISHED IN SECTION
7 34-60-103 (6.5), C.R.S.

8 (2) (a) THE OVERSIGHT COMMITTEE CREATED IN SUBSECTION (4)
9 OF THIS SECTION SHALL EXPEDITIOUSLY ISSUE A REQUEST FOR PROPOSALS
10 FROM PROSPECTIVE CONTRACTORS TO PREPARE A REPORT BASED ON
11 EXISTING EPIDEMIOLOGICAL DATA TO DETERMINE WHETHER, AND TO
12 WHAT EXTENT, OIL AND GAS OPERATIONS _____ HAVE AN ADVERSE EFFECT
13 ON HUMAN HEALTH. THE REPORT MUST FOCUS ON AT LEAST FOUR
14 GEOGRAPHIC AREAS SELECTED BY THE CONTRACTOR IN COMPLIANCE WITH
15 PARAGRAPH (b) OF THIS SUBSECTION (2) IN OR NEAR THE COUNTIES OF

1 LARIMER, WELD, BOULDER, AND ARAPAHOE AND ONE OR MORE
2 APPROPRIATE CONTROL AREAS. IN AWARDING THE CONTRACT, THE
3 OVERSIGHT COMMITTEE SHALL GIVE PREFERENCE TO RESEARCHERS WHO
4 ARE ASSOCIATED WITH AN ACCREDITED INSTITUTION OF HIGHER
5 EDUCATION OUTSIDE OF COLORADO.

6 (b) THE CONTRACTOR SHALL PREPARE THE REPORT WITH INPUT
7 FROM MEDICAL RESEARCHERS, STATISTICIANS, AND ENVIRONMENTALISTS
8 TO PROVIDE SCIENTIFICALLY BASED INFORMATION ON ACUTE, CHRONIC,
9 DEBILITATING, FATAL, AND TRANSGENERATIONAL CONDITIONS OF THE
10 GENERAL POPULATION AS WELL AS VULNERABLE POPULATIONS SUCH AS
11 CHILDREN, PREGNANT WOMEN, THE ELDERLY, AND THOSE WHOSE HEALTH
12 IS ALREADY IMPAIRED. THE REPORT MUST ANALYZE EXISTING INCIDENCE
13 DATA FOR AN APPROPRIATE PERIOD OF TIME BEFORE AND AFTER THE
14 COMMENCEMENT OF OIL AND GAS OPERATIONS IN EACH PARTICULAR
15 GEOGRAPHIC AREA.

16 (c) THE CONTRACTOR SHALL ANALYZE THE AVAILABLE DATA AND
17 MAKE ITS REPORT TO THE BOARD AND TO THE OVERSIGHT COMMITTEE
18 CREATED IN SUBSECTION (4) OF THIS SECTION BY NOVEMBER 15, 2014. THE
19 BOARD SHALL PUBLISH THE REPORT ON THE BOARD'S WEB SITE AND SHALL
20 PROVIDE COPIES OF THE REPORT TO THE COMMITTEES OF THE GENERAL
21 ASSEMBLY WITH JURISDICTION OVER PUBLIC HEALTH, THE ENVIRONMENT,
22 AND NATURAL RESOURCES.

23 (3) THE REPORT MUST:

24 (a) BE PEER-REVIEWED;

25 (b) INCLUDE EXPERTS FAMILIAR WITH DATA ANALYSIS RELEVANT
26 TO ENVIRONMENTAL HEALTH; AND

27 (c) DETERMINE TO WHAT EXTENT A CORRELATION MAY BE

1 ESTABLISHED BETWEEN THE EPIDEMIOLOGICAL DATA AND THE DURATION
2 AND TYPE OF EXPOSURE TO OIL AND GAS OPERATIONS.

3 (4) (a) THERE IS HEREBY CREATED AN OVERSIGHT COMMITTEE FOR
4 PREPARATION OF THE REPORT. THE COMMITTEE CONSISTS OF THE
5 FOLLOWING MEMBERS:

6 (I) THREE MEMBERS APPOINTED BY THE SPEAKER OF THE HOUSE OF
7 REPRESENTATIVES, INCLUDING ONE LEGISLATOR;

8 (II) TWO MEMBERS APPOINTED BY THE MINORITY LEADER OF THE
9 HOUSE OF REPRESENTATIVES;

10 (III) THREE MEMBERS APPOINTED BY THE PRESIDENT OF THE
11 SENATE, INCLUDING ONE LEGISLATOR;

12 (IV) TWO MEMBERS APPOINTED BY THE MINORITY LEADER OF THE
13 SENATE; AND

14 (V) ONE MEMBER APPOINTED BY THE GOVERNOR TO REPRESENT
15 THE DEPARTMENT.

16 (b) A MEMBER OF THE COMMITTEE MUST NOT BE A CURRENT OR
17 FORMER MEMBER OF THE COLORADO OIL AND GAS CONSERVATION
18 COMMISSION OR THE COLORADO OIL AND GAS ASSOCIATION OR HAVE A
19 DIRECT FINANCIAL INTEREST IN AN OIL AND GAS OPERATOR AS THAT TERM
20 IS DEFINED IN SECTION 34-60-103 (6.8), C.R.S. LEGISLATIVE APPOINTEES
21 WHO ARE NOT LEGISLATORS MUST EITHER BE PHYSICIANS OR HAVE
22 EXPERIENCE IN OCCUPATIONAL OR PUBLIC HEALTH, EPIDEMIOLOGY,
23 BIOMEDICAL SCIENCE, OR STATISTICS. THE APPOINTING AUTHORITIES
24 SHALL MAKE THEIR APPOINTMENTS BY JULY 1, 2013.

25 (c) THE CONTRACTOR SHALL SUBMIT INTERIM REPORTS AND A
26 DRAFT FINAL REPORT TO THE COMMITTEE ON A SCHEDULE ESTABLISHED BY
27 THE COMMITTEE IN CONSULTATION WITH THE CONTRACTOR.

1 (d) THE COMMITTEE SHALL DETERMINE WHETHER A FOLLOW-UP
2 REPORT TO COLLECT AND ANALYZE NEW EPIDEMIOLOGICAL DATA
3 REGARDING THE EFFECTS OF OIL AND GAS OPERATIONS ON HUMAN HEALTH
4 IS WARRANTED. IF SO, THE COMMITTEE SHALL PUBLISH, AND THE BOARD
5 SHALL POST ON THE BOARD'S WEB SITE, A STATEMENT TO THAT EFFECT
6 INCLUDING THE COMMITTEE'S RECOMMENDED GUIDELINES REGARDING THE
7 ELEMENTS THAT SHOULD BE INCLUDED IN THE FOLLOW-UP REPORT.

8 (5) THIS SECTION IS REPEALED, EFFECTIVE JANUARY 1, 2015.

9 **SECTION 2.** In Colorado Revised Statutes, 34-60-124, **amend**

10 (4) (a) (II) as follows:

11 **34-60-124. Oil and gas conservation and environmental**
12 **response fund.** (4) The oil and gas conservation and environmental
13 response fund may be expended:

14 (a) By the commission, or by the director at the commission's
15 direction, prior to, during, or after the conduct of oil and gas operations
16 to:

17 (II) Gather background or baseline data on any air, water, soil, or
18 biological resource, OR HUMAN HEALTH IMPACTS that the commission
19 determines may be so impacted by RESULT FROM the conduct of oil and
20 gas operations, INCLUDING THE REPORT PREPARED PURSUANT TO SECTION
21 25-1-122.3, C.R.S.; and

22 **SECTION 3.** In Colorado Revised Statutes, 25-7-105, **add (20)**
23 **as follows:**

24 **25-7-105. Duties of commission - rules.** (2) IN IMPLEMENTING
25 THIS ARTICLE WITH REGARD TO OIL AND GAS OPERATIONS, INCLUDING BY
26 ADOPTING OR AMENDING RULES, ISSUING AND REVIEWING PERMITS,
27 CONDUCTING INSPECTIONS, AND SETTING ITS AGENDA, THE COMMISSION

1 AND THE DIVISION SHALL CONSIDER ALL RELEVANT INFORMATION AND
2 RECOMMENDATIONS IN THE REPORT PREPARED PURSUANT TO SECTION
3 25-1-122.3.

4 **SECTION 4.** In Colorado Revised Statutes, 34-60-106, **amend**
5 **(2) (d) as follows:**

6 **34-60-106. Additional powers of commission - rules.** (2) The
7 **commission has the authority to regulate:**

8 **(d) (I) Oil and gas operations so as to prevent and mitigate**
9 **significant adverse environmental impacts on any air, water, soil, or**
10 **biological resource resulting from oil and gas operations to the extent**
11 **necessary to protect public health, safety, and welfare, including**
12 **protection of the environment and wildlife resources, taking into**
13 **consideration cost-effectiveness and technical feasibility.**

14 **(II) IN IMPLEMENTING THIS ARTICLE, INCLUDING BY ADOPTING OR**
15 **AMENDING RULES, ISSUING AND REVIEWING PERMITS, CONDUCTING**
16 **INSPECTIONS, AND SETTING ITS AGENDA, THE COMMISSION SHALL**
17 **CONSIDER ALL RELEVANT INFORMATION AND RECOMMENDATIONS IN THE**
18 **REPORT PREPARED PURSUANT TO SECTION 25-1-122.3, C.R.S.**

19 **SECTION 3. Safety clause.** The general assembly hereby finds,
20 determines, and declares that this act is necessary for the immediate
21 preservation of the public peace, health, and safety.